



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

1987
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HM127,724

EXAMINER	
SCHWADRON, R	
ART UNIT	PAPER NUMBER
1644	33

DATE MAILED: 07/24/01

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☐ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run _____ or continues to run _____ from the date of the final rejection
- b) ☒ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☐ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

- ☒ Applicant's response to the final rejection, filed 6/25/2001 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☐ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☒ will be entered ☐ will not be entered and the status of the claims will be as follows:

Claims allowed: NONE

Claims objected to: NONE

Claims rejected: 36-38, 44-47, 52

However;

- ☒ Applicant's response has overcome the following rejection(s): objection. The objection to the
amendment filed 11/18/99 is withdrawn in view of the
amended abstract filed 6/25/2001.

4. ☐ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because the
rejections as enunciated in the previous office are
for the prior art of record. ALSO SEE ENCLOSED NOTE
5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

- ☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☒ Other SEE ENCLOSED
NOTE

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PRIMARY EXAMINER
GROUP 1980 1600

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Art Unit 1644

6. The information disclosure statement filed 6/25/2001 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of the following reasons.

A) The information disclosure statement filed fails to comply with 37 CFR 1.97(d) because it lacks a petition requesting consideration of the information disclosure statement.

B) The information disclosure statement filed fails to comply with 37 CFR 1.97(d) because it lacks the petition fee set forth in 37 CFR 1.17(I).

C) The information disclosure statement filed fails to comply with 37 CFR 1.97(c).

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. **Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).**

7. Claims 36-38,44-47,52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dohlsten et al. (1991) for the reasons elaborated in the previous Office Action. Regarding applicants comments about the Kim et al. and Jardetzky et al. references, said references were cited on the IDS filed 6/25/2001 which has not been considered. Thus, said references have also not been considered.

8. Papers related to this application may be submitted to Group 1600 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Papers should be faxed to Group 1600 at (703) 305-3014.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Ron Schwadron whose telephone number is (703) 308-4680. The examiner can normally be reached Monday through Thursday from 7:30 to 6:00. A message may be left on the examiners voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196.

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Ron Schwadron, Ph.D.
Primary Examiner
Art Unit 1644
July 23, 2001


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